

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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|--|---|---------------------------|
| Bernard Maloyd, |) | C/A No. 1:11-2298-JFA-SVH |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| Aiken County Sheriff Office Detention |) | |
| Center; Aiken County Detention Center; |) | |
| Aiken County Detention Center Dentist |) | |
| (Dr. S. Taylor Garnett), |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

The *pro se* plaintiff, Bernard Maloyd, brings this action pursuant to 42 U.S.C. § 1983 claiming “dental and medical malpractice” against the defendants surrounding the plaintiff’s July 2011 dental visit for a tooth extraction. The plaintiff is a pretrial detainee at the Aiken County Detention Center. He seeks damages for pain and suffering.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein she suggests that this court should summarily dismiss defendants “Aiken County Sheriff Office Detention Center” and “Aiken County Detention Center Medical Department” because they are not “persons” amenable to suit under § 1983. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

incorporates such without a recitation and without a hearing.

The plaintiff was advised of his right to file objections to the Report and Recommendation, but has failed to do so. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper and incorporates the Report herein by reference. Accordingly, defendants "Aiken County Sheriff Office Detention Center" and "Aiken County Detention Center Medical Department" are dismissed without prejudice and without service of process. The Clerk shall return this file to the Magistrate Judge who has authorized service of process upon defendant Dr. Garnett.

IT IS SO ORDERED.

November 16, 2011
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge